

# MEMORANDUM ENDORSED



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August 5, 2024

## **BY ECF**

Honorable Gregory Woods  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Best v. James Merchant, et al.  
21-CV-779 (GHW)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, and the attorney for Defendants James Merchant and Steven Acosta in the above-referenced case. I write on behalf of Defendants to respectfully request that the Court convert the Status Conference currently scheduled for August 9, 2024 at 2:00 pm to a telephone conference, or alternatively, reschedule to August 19, 2024. This is Defendants' first request for an adjournment of this conference. Plaintiff consents to adjournment of the conference, but does not consent to proceeding with the conference via telephone.

By way of background, defendants have been attempting to obtain discovery from plaintiff since April 8, 2024. As plaintiff has yet to provide the requested discovery, defendants moved to compel the discovery on July 25, 2024. (ECF No. 168) Fact Discovery closed on July 26, 2024. Currently, a Status Conference is scheduled for August 9, 2024, at 2:00 pm in which the parties will discuss Defendants' Motion to Compel. (ECF Nos. 145, 169).

I am making this request as I will be out of town on August 9, 2024 and therefore unavailable to participate in the conference in person. While the case is being handled by Jessica Ochoa under my supervision, Ms. Ochoa is not yet admitted in the Southern District of New York, and therefore is unable to appear alone at the conference. Therefore, Defendants respectfully request that the Status Conference be converted to a telephone conference as counsel will be unavailable to appear in person on August 9, 2024, at 2:00 pm. Alternatively, Defendants

request that the Status Conference be rescheduled to August 19, 2024, a date mutually agreeable to the parties, or an alternative date convenient to the Court

Defendants thank the Court for its time and consideration of these requests.

Respectfully submitted,

/s/ Elissa Jacobs


Elissa Jacobs  
Senior Counsel  
Special Federal Litigation Division

cc: **BY MAIL**  
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Application granted. The conference scheduled for August 9, 2024 will take place by telephone. The parties are directed to the Court's Individual Rules of Practice in Civil Cases, which are available on the Court's website. Rule 2 of the Court's Individual Rules contains the dial-in number for the conference and other relevant instructions. The parties are specifically directed to comply with Rule 2(C) of the Court's Individual Rules. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 171 and to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: August 6, 2024.

  
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GREGORY H. WOODS  
United States District Judge